# UNITED STATES BANKRUPTCY COURT SOUTHERN DISTRICT OF IOWA

RE:		)			
	RUSSELL E. SCHICKLING	)	CASE NO.	16-00997	
	KATHY L. SCHICKLING	)	CASE NO.	10-00557	
2.00.00.00.00.00	Debtor(s).	)			

# CORRECTED DEBTORS MOTION FOR SANCTIONS FOR AUTOMATIC STAY VIOLATION

Debtors herein, by their attorney, H. J. Dane, hereby move the Court for an Order imposing sanctions on Gibraltar Capital Advance, LLC, an Illinois limited liability Corporation ("Gibraltar") pursuant to 11 U.S.C. Section 362(k), and as grounds, state as follows:

- 1. Debtors filed for relief under Chapter 13 of the United States Bankruptcy Code with this Court on May 11, 2016. Listed as an unsecured creditor on the schedules filed with this Court was: Gibraltar, 400 Skokie Blvd., #375, Northbrook, Illinois 60062. This is also the address shown on the Gibraltar website and on the records of the Illinois Secretary of State.
- 2. Gibraltar is a creditor of Sneaky Pete's Woodfire Grille, Inc. and had an assignment of credit card receivables from said corporation. The corporation ran a restaurant in LeClaire, Iowa until May 11, 2016.
- 3. From the filing of their Chapter 13 Case on May 11, 2016, Debtors have operated their restaurant as a sole proprietorship, and Sneaky Pete's Woodfire Grille, Inc. has done no business since May 11, 2016.
- 4. Gibraltar has received six (6) separate mailings in connection with the Debtors bankruptcy case:
  - (1) On May 13, the Court mailed to Gibraltar Official Form 3091 Notice of Chapter 13 Bankruptcy Case at 400 Skokie Blvd., #375,

- Northbrook, Illinois 6006, a copy of the Certificate of Service is attached as Exhibit "A";
- (2) On May 13, the Court mailed to Gibraltar an Order and Notice of Bar Date in connection with the Chapter 13 Plan filed by Debtors at 400 Skokie Blvd., #375, Northbrook, Illinois 6006, a copy of the Certificate of Service is attached hereto as Exhibit "B";
- (3) On August 3, 2016, Debtors' attorney mailed to the First Amended Chapter 13 Plan to Gibraltar at 400 Skokie Blvd., #375, Northbrook, Illinois 60062, a copy of the Proof of Service is attached hereto as Exhibit "C";
- (4) On August 5, 2016, the Court mailed to Gibraltar an Order and Notice of Bar Date at 400 Skokie Blvd., #375, Northbrook, Illinois 60062, a copy of the Certificate of Service is attached hereto as Exhibit "D".
- (5) On September 2, 2016, Debtors' attorney mailed the Second Amended Chapter 13 Plan to Gibraltar at 400 Skokie Blvd., #375, Northbrook, Illinois 60062, a copy of the Proof of Service is attached hereto as Exhibit "E".
- (6) On September 4, 2016, the Court mailed an Order and Notice of Bar Date to Gibraltar at 400 Skokie Blvd., #375, Northbrook, Illinois 60062, a copy of the Certificate of Service is attached hereto as Exhibit "F".
- 5. On June 2, 2016, Debtors' attorney mailed another copy of the Official Form 3091, Notice of Chapter 13 Bankruptcy Case to Gibraltar at 400 Skokie Blvd., #375, Northbrook, Illinois 60062. That letter also requested that Gibraltar: "Please immediately cease and desist from collecting debts in violation of the automatic stay..." A copy of said letter is attached hereto as Exhibit "G".
- 6. On August 2, 2016, Debtors' attorney telephoned Gibraltar's home office but was unable to reach a representative.
- 7. On September 7, 2016, Debtors and their attorney again attempted to reach a representative of Gibraltar by telephone without success. The Debtors and their counsel spent over one hour in telephone conferences with First Data, Payment Revolution and Shopkeep trying to determine how and why Gibraltar was able to continue its collection from Debtors' credit card receipts.

- 8. On September 13, 2016, counsel for Debtors was finally able to speak with a representative at Gibraltar and was later contacted by their attorneys. Attorney Dane requested that Gibraltar agree to restore the \$25,000 in collection it has made from Debtors since May 11, 2016 in lieu of the filing of a motion for contempt.
- 9. Gibraltar's actions constitute a violation of the automatic stay as defined by the Eighth Circuit.
- 10. Since May 11, 2016, Gibraltar has intercepted and collected about \$25,000 in credit card payments from Debtors.
- 11. Due to Gibraltar's actions, Debtors had to have their attorney incur substantial time and expenses seeking to end Gibraltar's violation of the automatic stay.
- 12. Gibraltar's actions have caused severe financial hardship to the Debtors; which threatens the success of their business and of their reorganization.

WHEREFORE, Debtors request that this Court:

- a. Hold Gibraltar Capital Advance, LLC in contempt of court for violating 11 U.S.C.
   Section 362;
- b. Order Gibraltar Capital Advance, LLC to return all monies received on Debtors' account from May 11, 2016 to date;
- c. Find that Gibraltar Capital Advance, LLC actions were willful in light of the fact that they received numerous notices apprising them of Debtors' bankruptcy;
- d. Award compensatory and punitive damages, sanctions and attorney's fees for contempt of court and pursuant to Section 362(k) to the debtor; and

Order all other relief as is just and proper. e.

Russell E. Schickling and

Kathy L. Schickling, Debtors

/s/ H. J. Dane By:

H. J. Dane, Attorney at Law IA Fed. #9999913; IA State #AT0001964

IL Fed. & State #6182600 1111 East River Drive Davenport, Iowa 52803 Telephone: (563) 326-0006 Facsimile: (563) 326-6204

E-mail: hjdane@hjdane.com

### Case 16-00997-lmj13 Doc 56 Filed 09/15/16 Entered 09/15/16 14:36:52 Desc Main Document Page 5 of 40

United States Bankruptcy Court Southern District of Iowa

In re: Russell E Schickling Kathy L Schickling Debtors

Case No. 16-00997-lmj Chapter 13

Date Rovd: May 11, 2016

#### CERTIFICATE OF NOTICE

District/off: 0863-4	User: accc Form ID: 53091	Page 1 of 2 Total Noticed: 45	Date Rovd: May 11, 2

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Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on
May 13, 2016.
db/jdb
                                +Russell E Schickling, Kathy L Schickling, 28105 225th St., Le Claire, IA 52753-9724
+Carol F. Dunbar, 531 Commercial St, Ste 500, Waterloo, IA 50701-5497
Advanceme, Inc., c/o Joseph G. Bertroche, Jr., 425-2nd Street SE, Suite 940, PO Box 155,
802166403
                              Advanceme, Inc., c/o Joseph G. Bertroche, Jr., 425-2nd Street SE, Suite 940, PO Box 155, Cardiovascular Medicine, PO Box 428, Davenport, IA 52805-0428
+Financial Adjustment Bureau, Inc., P.O. Box 276, 612 Jefferson, Burlington, IA 52601-5428
Genesis Medical Center, PO Box 70, Davenport, IA 52805-0070
Genesis Medical Center, P.O. Box 739, Moline, IL 61266-0739
+Gibraltar, 400 Skokie Blvd #375, Northbrook, IL 60062-7928
++IOWA DEPARTMENT OF REVENUE, ATTN BANKRUPTCY UNIT, PO BOX 10471, DES MOINES IA 50306-0471
(address filed with court: Iowa Department of Revenue, ATTN: Bankruptcy Unit, PO Box 10471, Des Moines, IA 50306)
802166406
802166409
802166413
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                                    Des Moines, IA 50306)
                               Des Moines, IA 50306)
+James S. Zmuda, Califf & Harper, 506 - 15th St. Ste. 600, Moline, IL 61265-
+Joseph Betroche, 222 3rd Ave SE, Cedar Rapids, IA 52401-1509
+Kimberly Park Dental Assoc., 3512 Jersey Ridge Road, Davenport, IA 52807-2223
+Laura T. Lang, 5529 Baraboo Ct., Davenport, IA 52804-4867
Medic EMS, PO Box 309, Orion, IL 61273-0309
Metropolitan Medcial Laboratory, P.O. Box 128, Davenport, IA 52805-0128
+Michael L. Gorsline, Vollertsen, Britt & Gorsline, 5119 Utica Ridge Rd.,
Davenport, IA 52807-3062
+Michael L. Gorsline, Vollertsen, Britt & Gorsline, PC, 5119 Utica Ridge Rd.,
Davenport, IA 52807-3062
802166423
                                                                                                                                                                           Moline, IL 61265-2149
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                                                                                                                                                           Davenport, IA 52807-2223
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802166430
                                    Davenport, IA 52807-3062
                                +ORA Orthopedics, 2300 53rd Ave., Ste. LL04,
802166432
                               +ORA Orthopedics, 2300 53rd Ave., Ste. LL04, Bettendorf, IA 52722-7565
+Ortho & Rheuma Assoc PC, 3565 Utica Ridge Road, Bettendorf, IA 52722-1654
+Ortho & Rheuma Assoc PC, 1414 West Lombard, Davenport, IA 52804-2148
Pearl Capital, 9th Floor, 100 William St, New York, NY 10038
+Premier MRI Center, Inc., 3565 Utica Ridge Road, Bettendorf, IA 52722-1645
Quad Cities Nephrology Associates, LLC, 400 John Deere Rd., Moline, IL 61265-6898
+Radiology Group Imaging, 1970 E. 53rd Street, Davenport, IA 52807-2710
+Sneaky Pete's, 207 N. Cody Rd., Le Claire, IA 52753-9219
+TPC Cash & Carry, 2160 E. 53rd Street, Davenport, IA 52807-2706
+Thomas C. Hill, Attorney at Law, 1987 Spruce Hills Drive, Bettendorf, IA 52722-1
+Tri State Addustment, 440 Challenge Street, Freeport, IL 61032-2540
                                                                                                                                       Bettendorf, IA 52722-7565
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                                                                                                                                                                            Bettendorf, IA 52722-2624
                                +Tri State Adjustment, 440 Challenge Street, Freeport, IL 61032-2540
Trinity Medical Center, Payment Processing Center - PMD, 10604 Justin Drive,
Des Moines, IA 50322-3755
 802165444
 802166446
                                  Trinity Medical Center, Pa
Kansas City, MO 64121-9714
                                                                                         Payment Processing Center-PMD, PO Box 219714,
 802166445
Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center. aty E-mail/Text: hjdane@hjdane.com May 11 2016 22:49:13 H J Dane, KSTT Place, 1111 E River Dr., Davenport, IA 52803
                                 +E-mail/Text: ustpregion12.dm.ecf@usdoj.gov May 11 2016 22:49:20
Federal Bldg, Room 793, 210 Walnut Street, Des Moines, IA 5
EDI: BANKAMER2.COM May 11 2016 22:53:00 Bank of America, P
Wilmington, DE 19886-5726
                                                                                                                                                                                   United States Trustee,
                                                                                                                                         Des Moines, IA 50309-2115
 802166404
                                                                                                                                                                         PO Box 15726,
 802166405
                                   EDI: BANKAMER2.COM May 11 2016 22:53:00 Bank of America, PO Box 17220,
                                     Baltimore, MD 21297-1220
                                   EDI: DISCOVER.COM May 11 2016 22:53:00 Discover, PO Box 30395,
 802166407
                                     Salt Lake City, UT 84130-0395
 802166408
                                   EDI: DISCOVER.COM May 11 2016 22:53:00
                                                                                                                           Discover Card Services, PO Box 15316,
                                     Wilmington, DE 19850
                                 E-mail/Text: data_processing@fin-rec.com May 11 2016 22:49:18
Financial Recovery Services, Inc., PO Box 385908, Minneapolis, MN 55438-5908
+EDI: FORD.COM May 11 2016 22:53:00 Ford Motor Credit, PO Box 152271,
 802166410
 802166411
                                      Irving, TX 75015-2271
 802166412
                                                                                                                 GEMB,
                                    EDI: RMSC.COM May 11 2016 22:53:00
                                                                                                                                       PO Box 960090,
                                                                                                                                                                             Orlando, FL 32896-0090
                                 +E-mail/Text: bankruptcy@hraccounts.com May 11 2016 22:49:17
 802166416
                                                                                                                                                                                                                  P.O. Box 672,
                                     Moline, IL 61266-0672
                                   E-mail/Text: bankruptcy@hraccounts.com May 11 2016 22:49:17 H & R Accounts, Inc., 7017 John Deere Parkway, PO Box 672, Moline, IL 61266-0672 EDI: IRS.COM May 11 2016 22:53:00 Internal Revenue Service, Associate Area Counsel, 1616 Capital Avenue Suite 435, Omaha, NE 68102-4923
 802166417
 802166419
                                    EDI: CBSKOHLS.COM May 11 2016 22:53:00
Milwaukee, WI 53201-2983
 802166426
                                                                                                                                Kohl's Payment Center, PO Box 2983,
                                    E-mail/Text: jreagan@qcorthospecialists.com May 11 2016 22:49:22 3385 Dexter Ct Ste. 300, Davenport, IA 52807-3471 EDI: RMSC.COM May 11 2016 22:53:00 Wal-Mart, PO Box 530927,
 802166435
                                                                                                                                                                                       Orthopaedic Specialists,
                                                                                                                       Wal-Mart, PO Box 530927, Atlanta, GA 30353-0927
 802166447
                                                                                                                                                                                                        TOTAL: 15
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District/off: 0863-4

802166418\*

User: accc Form ID: 5309I

Page 2 of 2 Total Noticed: 45 Date Rovd: May 11, 2016

\*\*\*\*\* BYPASSED RECIPIENTS (continued) \*\*\*\*\*

\*\*\*\*\* BYPASSED RECIPIENTS (undeliverable, \* duplicate) \*\*\*\*\*

CENTRALIZED INSOLVENCY OPERATIONS, ++INTERNAL REVENUE SERVICE, PO BOX 7346, PHILADELPHIA PA 19101-7346

Insolvency Group,

(address filed with court: Internal Revenue Service, Insolver 210 Walnut Street, Stop 5301, Des Moines, IA 50309-2109) ++INTERNAL REVENUE SERVICE, CENTRALIZED INSOLVENCY OPERATIONS, PHILADELPHIA PA 19101-7346 PO BOX 7346,

(address filed with court: Internal Revenue Service, PO Box 21126, Philadelphia, PA 19114) ++IOWA DEPARTMENT OF REVENUE, ATTN BANKRUPTCY UNIT, PO BOX 10471, DES MOINES IA 50306-0471 (address filed with court: Iowa Department of Revenue, Hoover State Office Building, 802166422\*

Des Moines, IA 50319)

+Sneaky Pete's, 207 N. Cody Rd, Le Claire, IA 52753-9219 802166441\*

TOTALS: 0, \* 4, ## 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '++' were redirected to the recipient's preferred mailing address pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g) (4).

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: May 13, 2016

Signature: /s/Joseph Speetjens

#### CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on May 11, 2016 at the address(es) listed below: Carol F. Dunbar cfdunbar@cfu.net, cdunbar13s@ecf.epiqsystems.com
H J Dane on behalf of Joint Debtor Kathy L Schickling hjdane@hjdane.com,
kayla@hjdane.com;elizabeth@hjdane.com H J Dane on behalf of Debtor Russell E Schickling hjdane@hjdane.com, kayla@hjdane.com;elizabeth@hjdane.com H J Dane United States Trustee USTPRegion12.DM.ECF@usdoj.gov

TOTAL: 4

# Case 16-00997-lmj13 Doc 56 Filed 09/15/16 Entered 09/15/16 14:36:52 Desc Main Document Page 7 of 40

Information to i	dentify the case:		
Debtor 1	Russell E Schickling	Social Security number or ITIN xxx-xx-5962	
	First Name Middle Name Last Name	EIN	
Debtor 2	Kathy L Schickling	Social Security number or ITIN xxx-xx-4143	
(Spouse, if filing)	First Name Middle Name Last Name	EIN	
United States Bankr	ruptcy Court Southern District of Iowa	Date case filed for chapter 13 5/11/16	
Case number: 16-	-00997-lmj13		

#### Official Form 309l

### Notice of Chapter 13 Bankruptcy Case

12/15

For the debtors listed above, a case has been filed under chapter 13 of the Bankruptcy Code. An order for relief has been entered.

This notice has important information about the case for creditors, debtors, and trustees, including information about the meeting of creditors and deadlines. Read both pages carefully.

The filing of the case imposed an automatic stay against most collection activities. This means that creditors generally may not take action to collect debts from the debtors, the debtors' property, and certain codebtors. For example, while the stay is in effect, creditors cannot sue, garnish wages, assert a deficiency, repossess property, or otherwise try to collect from the debtors. Creditors cannot demand repayment from debtors by mail, phone, or otherwise. Creditors who violate the stay can be required to pay actual and punitive damages and attorney's fees. Under certain circumstances, the stay may be limited to 30 days or not exist at all, although debtors can ask the court to extend or impose a stay.

Confirmation of a chapter 13 plan may result in a discharge. Creditors who assert that the debtors are not entitled to a discharge under 11 U.S.C. § 1328(f) must file a motion objecting to discharge in the bankruptcy clerk's office within the deadline specified in this notice. Creditors who want to have their debt excepted from discharge may be required to file a complaint in the bankruptcy clerk's office by the same deadline. (See line 13 below for more information.)

To protect your rights, consult an attorney. All documents filed in the case may be inspected at the bankruptcy clerk's office at the address listed below or through PACER (Public Access to Court Electronic Records at <a href="https://www.pacer.gov">www.pacer.gov</a>).

The staff of the bankruptcy clerk's office cannot give legal advice.

To help creditors correctly identify debtors, debtors submit full Social Security or Individual Taxpayer Identification Numbers, which may appear on a version of this notice. However, the full numbers must not appear on any document filed with the court.

Do not file this notice with any proof of claim or other filing in the case. Do not include more than the last four digits of a Social Security or Individual Taxpayer Identification Number in any document, including attachments, that you file with the court.

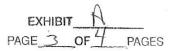
1.	Debtor's full name	About Debtor 1: Russell E Schickling	About Debtor 2: Kathy L Schickling
2.	All other names used in the last 8 years	dba Sneaky Pete's Steakhouse	
3.	Address	28105 225th St. Le Claire, IA 52753	28105 225th St. Le Claire, IA 52753
4.	<b>Debtor's attorney</b> Name and address	H J Dane KSTT Place 1111 E River Dr Davenport, IA 52803	Contact phone (563) 326-0006 Email: <u>hidane@hidane.com</u>
5.	Bankruptcy trustee Name and address	Carol F. Dunbar 531 Commercial St, Ste 500 Waterloo, IA 50701	Contact phone (319) 233–6327 Email: <u>cfdunbar@cfu.net</u>
6.	Bankruptcy clerk's office Documents in this case may be filed at this address. You may inspect all records filed in this case at this office or online at <a href="https://www.pacer.gov">www.pacer.gov</a> .	110 E. Court Ave. Suite 300 Des Moines, IA 50309	Office Hours: <u>08:00 AM - 05:00 PM Monday - Friday</u> Contact phone (515) 284-6230 Date: 5/11/16

For more information, see page 2

Official Form 309

Notice of Chapter 13 Bankruptcy Case

page 1



Debtor Russell E Schickling and Kathy L Schickling

Case number 16-00997-Imj13

7.	Meeting of creditors  Debtors must attend the meeting to be questioned under oath. In a joint case, both spouses must attend.  Creditors prouses must attend.	The meeting may be continued or adjourned to a later	Location: United States Courthouse, 131 E. 4th Street, Davenport, IA 52801
	Creditors may attend, but are not required to do so.	date. If so, the date will be on the court docket.	
8. Deadlines The bankruptcy clerk's office must receive these documents and any		Deadline to file a complaint to challenge dischargeability of certain debts:	Filing deadline: 8/19/16
	required filing fee by the following deadlines.	<ul> <li>You must file:</li> <li>a motion if you assert that the debtors are not entitled to receive a discharge under U.S.C. § 1328(f) or</li> <li>a complaint if you want to have a particular debt excepted from discharge under 11 U.S.C. § 523(a)(2) or (4).</li> </ul>	
		Deadline for all creditors to file a proof of clair	n Filing deadline: 9/18/16
		(except governmental units): Deadline for governmental units to file a proof claim:	f of Filling deadline: 180 days post Order for Relief
		Deadlines for filing proof of claim:  A proof of claim is a signed statement describing a creditor's at the court's web site at <a href="www.iasb.uscourts.gov">www.iasb.uscourts.gov</a> . Select E-Alternatively, a proof of claim form may be obtained at <a href="www.iasb.uscourts.gov">www.iasb.uscourts.gov</a> . Select E-Alternatively, a proof of claim form may be obtained at <a href="www.iasb.uscourts.gov">www.iasb.uscourts.gov</a> . Glaim by the deadline, you might a proof of claim even if your claim is listed in the schedules Secured creditors retain rights in their collateral regardless is claim submits the creditor to the jurisdiction of the bankrupte For example, a secured creditor who files a proof of claim including the right to a jury trial.	-iling Proof of Claim on courts nome page. <u>uscourts.gov</u> or any bankruptcy clerk's office.  not be paid on your claim. To be paid, you must file that the debtor filed.  of whether they file a proof of claim. Filing a proof of court, with consequences a lawyer can explain.
		Deadline to object to exemptions: The law permits debtors to keep certain property as exemption to believe that the law does not authorize an exemption claims may file an objection.	i. If you Filing deadline: If applicable, 30 days after the conclusion of the meeting of creditors
9.	Filing of plan	The debtor has filed a plan. The plan or a summary of be sent separately.	
10.	Creditors with a foreign address	If you are a creditor receiving a notice mailed to a foreign address, you may file a motion asking the court to extend the deadline in this notice. Consult an attorney familiar with United States bankruptcy law if you have any questions about your rights in this case.	
11.	Filing a chapter 13 bankruptcy case	Chapter 13 allows an individual with regular income and debts below a specified amount to adjust debts according to a plan. A plan is not effective unless the court confirms it. You may object to confirmation of the plan and appear at the confirmation hearing. A copy or summary of the plan, if not enclosed, will be sent to you later, and if the confirmation hearing is not indicated on this notice, you will be sent notice of the confirmation hearing. The debtor will remain in possession of the property and may continue to operate the business, if any, unless the court orders otherwise.	
12.	Exempt property	The law allows debtors to keep certain property as exempt. Fully exempt property will not be sold and distributed to creditors, even if the case is converted to chapter 7. Debtors must file a list of property claimed as exempt. You may inspect that list at the bankruptcy clerk's office or online at <a href="https://www.pacer.gov">www.pacer.gov</a> . If you believe that the law does not authorize an exemption that debtors claimed, you may file an objection by the deadline.	
13	. Discharge of debts	Confirmation of a chapter 13 plan may result in a discharge of debts, which may include all or part of a debt. However, unless the court orders otherwise, the debts will not be discharged until all payments under the plan are made. A discharge means that creditors may never try to collect the debt from the debtors personally except as provided in the plan. If you want to have a particular debt excepted from discharge under 11 U.S.C. § 523(a)(2) or (4), you must file a complaint and pay the filing fee in the bankruptcy clerk's office by the deadline. If you believe that the debtors are not entitled to a discharge of any of their debts under 11 U.S.C. § 1328(f), you must file a motion by the deadline.	
14	. Cellular phones	Only attorneys and their employees may carry cell phinto hearing locations.	ones and other portable communication devices

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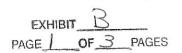
United States Bankruptcy Court Southern District of Iowa

In re: Russell E Schickling Kathy L Schickling Debtors

Case No. 16-00997-lmj Chapter 13

#### **CERTIFICATE OF NOTICE**

District/off: 0963-4	User: accc Form ID: NTCBDPLA	Page 1 of 2 Total Noticed: 42	Date Rcvd: May 11, 2016
Notice by first class mail w May 13, 2016.	as sent to the following	persons/entities by the Bankr	cuptcy Noticing Center on
db/jdb +Russell E Sc 802166403 Advanceme, I		kling, 28105 225th St., I roche, Jr., 425-2nd Street	
	ica, PO Box 15726, Wi	lmington, DE 19886-5726	
	ica, PO Box 17220, Ba		
802166406 Cardiovascul	ar Medicine, PO Box 428	Davenport, IA 52805-0428	5 1
802166409 +Financial Ad 802166411 +Ford Motor C	justment Bureau, Inc.,	P.O. Box 2/6, 612 Jefferson	n, Burlington, IA 52601-5428
802166413 Genesis Medi	cal Center. PO Box 70.	<pre>Irving, TX 75015-2271 Davenport, IA 52805-0070</pre>	
802166414 Genesis Medi	cal Center, P.O. Box 73	9, Moline, IL 61266-0739	
802166415 +Gibraltar,	400 Skokie Blvd #375,	Northbrook, IL 60062-7928	
(address file Des Moines,	d with court: Iowa Depar IA 50306)	tment of Revenue, ATTN: Bar	L, DES MOINES IA 50306-0471 hkruptcy Unit, PO Box 10471,
		506 - 15th St. Ste. 600, Mc	oline, IL 61265-2149
		Cedar Rapids, IA 52401-1509 Tersey Ridge Road, Davenport	- 13 53007-2222
	g, 5529 Baraboo Ct.,		IN 32007-2223
	PO Box 309, Orion, IL		
		O. Box 128, Davenport, IA	
		ritt & Gorsline, 5119 Utica	Ridge Rd.,
802166430 +Michael L. G	IA 52807-3062 Orsline, Vollertsen, Br IA 52807-3062	ritt & Gorsline, PC, 5119 U	tica Ridge Rd.,
		e. LL04, Bettendorf, IA 52	
		Ridge Road, Bettendorf, I	
802166434 +Ortho & Rheu 802166436 Pearl Capita		Lombard, Davenport, IA 528 lam St, New York, NY 10038	04-2140
		a Ridge Road, Bettendorf,	IA 52722-1645
		C, 400 John Deere Rd., M	
		3rd Street, Davenport, IA 5	2807-2710
	s, 207 N. Cody Rd., I		0.5
		eet, Davenport, IA 52807-27 1987 Spruce Hills Drive, B	
		Street, Freeport, IL 6103	
802166446 Trinity Medi Des Moines,	.cal Center, Payment Pro IA 50322-3755	ocessing Center - PMD, 1060	4 Justin Drive,
	cal Center, Payment Pro , MO 64121-9714	ocessing Center-PMD, PO Box	219714,
802166407 E-mail/Text:		llowing persons/entities by t ay 11 2016 22:49:16 Disco	he Bankruptcy Noticing Center. ver, PO Box 30395,
802166408 E-mail/Text:		ay 11 2016 22:49:16 Disco	ver Card Services,
		.com May 11 2016 22:49:18	
802166412 E-mail/PDF:		PO Box 385908, Minneapoli May 11 2016 22:55:16 GEM	
802166416 +E-mail/Text Moline, IL	: bankruptcy@hraccounts.co 61266-0672		I & R Accounts, P.O. Box 672,
		om May 11 2016 22:49:17 F 72, Moline, IL 61266-0672	I & R Accounts, Inc.,
802166419 E-mail/Text	: cio.bncmail@irs.gov May	11 2016 22:49:17 Internated Avenue Suite 435, Omaha	
802166426 E-mail/Text PO Box 298	: bnckohlsnotices@becket- 3, Milwaukee, WI 53201-	lee.com May 11 2016 22:49:17 2983	Kohl's Payment Center,
	: jreagan@qcorthospeciali r Ct Ste. 300, Davenpor	sts.com May 11 2016 22:49:21 t, IA 52807-3471	Orthopaedic Specialists,
802166447 E-mail/PDF:	gecsedi@recoverycorp.com A 30353-0927		I-Mart, PO Box 530927,
			TOTAL: 10
	ECIPIENTS (undeliverable,		
	VENUE SERVICE, CENTRALI IA PA 19101-7346	ZED INSOLVENCY OPERATIONS,	PO BOX 7346,
		Revenue Service, Insolvence	v Group.
	Street, Stop 5301, Des		1P1
802166418* ++INTERNAL RE PHILADELPH	VENUE SERVICE, CENTRALI IA PA 19101-7346	ZED INSOLVENCY OPERATIONS,	PO BOX 7346,
(address fil	ed with court: Internal	Revenue Service, PO Box 21	126. Philadelphia, PA 19114)



(address filed with court: Internal Revenue Service, PO Box 21126, Philadelphia, PA 19114)

## Case 16-00997-lmj13 Doc 56 Filed 09/15/16 Entered 09/15/16 14:36:52 Desc Main Document Page 10 of 40

District/off: 0863-4

User: accc Form ID: NTCBDPLA Page 2 of 2 Total Noticed: 42 Date Rovd: May 11, 2016

\*\*\*\*\* BYPASSED RECIPIENTS (continued) \*\*\*\*\*

802166422\* ++IOWA DEPARTMENT OF REVENUE, ATTN BANKRUPTCY UNIT, PO BOX 10471, DES MOINES IA 50306-0471 (address filed with court: Iowa Department of Revenue, Hoover State Office Building,

Des Moines, IA 50319) 802166441\* +Sneaky Pete's, 207 N. Cody Rd, Le Claire, IA 52753-9219

TOTALS: 0, \* 4, ## 0

Addresses marked  $^{\prime}$ + $^{\prime}$  were corrected by inserting the ZIP or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '++' were redirected to the recipient's preferred mailing address pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g)(4).

I. Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: May 13, 2016

Signature: /s/Joseph Speetjens

#### CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on May 11, 2016 at the address(es) listed below:

Carol F. Dunbar efdunbar@cfu.net, cdunbarl3s@ecf.epiqsystems.com

H J Dane on behalf of Joint Debtor Kathy L Schickling hjdane@hjdane.com,

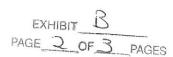
kayla@hjdane.com;elizabeth@hjdane.com

H J Dane on behalf of Debtor Russell E Schickling hjdane@hjdane.com,

kayla@hjdane.com;elizabeth@hjdane.com

United States Trustee USTPRegion12.DM.ECF@usdoj.gov

TOTAL: 4



#### UNITED STATES BANKRUPTCY COURT FOR THE SOUTHERN DISTRICT OF IOWA

110 E. Court Avenue, Suite 300 Des Moines, Iowa 50309-2044 www.iasb.uscourts.gov

In the Matter of: Russell E Schickling Kathy L Schickling Debtor(s)

Case No. 16-00997-lmj13

#### ORDER AND NOTICE OF BAR DATE

The following docket text and Notice of Bar Date result from the indicated document(s) filed in the above captioned case:

Notice of Bar Date to Chapter 13 Plan (RE: related document(s)7 Chapter 13 Plan filed by Debtor Russell E Schickling, Joint Debtor Kathy L Schickling) Objections Due By 07/11/2016. (accc)

**NOTICE IS GIVEN that** objections to the above referenced matter must be filed by the date referenced in the above docket text. Objections, if any, shall be filed with the Clerk, U.S. Bankruptcy Court. Said objections must include proof of service on all appropriate parties as required by the Federal Rules of Bankruptcy Procedure.

NOTICE IS FURTHER GIVEN that only timely and substantive objections will be set for hearing by separate notice. Otherwise an appropriate order will be entered without further notice and hearing.

IT IS THEREFORE ORDERED that this notice supersedes any other bar date notice the filer may have served for this matter and all parties receiving this notice shall govern themselves accordingly.

IT IS FURTHER ORDERED that a party who has not already received the document(s) indicated above may request such document(s) from the filer (if review of the content is absolutely necessary in determining whether to file an objection to the above referenced matter) and the filer shall comply promptly with such request.

Judge Lee M. Jackwig United States Bankruptcy Judge

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## UNITED STATES BANKRUPTCY COURT SOUTHERN DISTRICT OF IOWA

RE:	)	
RUSSELL E. SCHICKLING KATHY L. SCHICKLING	) CASE NO. 16-00997	
Debtor(s).	)	
PI	ROOF OF SERVICE	
The undersigned certifies that the above cause to each of the attorneys of (ECF) as indicated on August 3, 2016 at		esses electronically
By: X U.S. Mail Hand Delivered Certified Mail	Fax Overnight Courier X Other Electronic, as ir	ndientell
U.S. Trustee @ USTPRegion12.DM.ECF@usdoj.gov	Carol Dunbar, Trustee mcdunbar@cfu.net; cdunbar13s@ecf.epiqsystems.com	Richard A. Davidson rdavidson@l- wlaw.com
John E. Waters IDRbankruptcy@iowa.gov	Elizabeth E. Goodman on behalf of Trustee Carol F. Dunbar Chapter13@qwestoffice.net; awarford14@ecf.epiqsystems.com	

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Case 16-00997-13 Doc 1 Pled 09/01/16 Payre 20/03/11/16 12:13:13 Desc Main

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Advanceme, Inc. c/o Joseph G. Bertroche, Jr. 425-2nd Street SE, Suite 940 PO Box 155 Cedar Rapids, IA 52406-0155

Bank of America PO Box 15726 Wilmington, DE 19886-5726

Bank of America PO Box 17220 Baltimore, MD 21297-1220

Cardiovascular Medicine PO Box 428 Davenport, IA 52805-0428

Discover PO Box 30395 Salt Lake City, UT 84130-0395

Discover Card Services PO Box 15316 Wilmington, DE 19850

Financial Adjustment Bureau, Inc. P.O. Box 276 612 Jefferson Burlington, IA 52601

Financial Recovery Services, Inc. PO Box 385908
Minneapolis, MN 55438-5908

Ford Motor Credit PO Box 152271 Irving, TX 75015

GEMB PO Box 960090 Orlando, FL 32896-0090

Genesis Medical Center PO Box 70 Davenport, IA 52805-0070

Genesis Medical Center P.O. Box 739 Moline, IL 61266-0739

Gibraltar 400 Skokie Blvd #375 Northbrook, IL 60062 
> H & R Accounts P.O. Box 672 Moline, IL 61265

H & R Accounts, Inc. 7017 John Deere Parkway PO Box 672 Moline, IL 61266-0672

Internal Revenue Service PO Box 21126 Philadelphia, PA 19114

Internal Revenue Service Associate Area Counsel 1616 Capital Avenue Suite 435 Omaha, NE 68102-4923

Internal Revenue Service Insolvency Group 210 Walnut Street, Stop 5301 Des Moines, IA 50309-2109

Iowa Department of Revenue ATTN: Bankruptcy Unit PO Box 10471 Des Moines, IA 50306

Iowa Department of Revenue Hoover State Office Building Des Moines, IA 50319

James S. Zmuda Califf & Harper 506 - 15th St. Ste. 600 Moline, IL 61265

Joseph Betroche 222 3rd Ave SE Cedar Rapids, IA 52401

Kimberly Park Dental Assoc. 3512 Jersey Ridge Road Davenport, IA 52807

Kohl's Payment Center PO Box 2983 Milwaukee, WI 53201-2983

Laura T. Lang 5529 Baraboo Ct. Davenport, IA 52804

> Medic EMS PO Box 309 Orion, IL 61273-0309

Metropolitan Medcial Laboratory P.O. Box 128 Davenport, IA 52805-0128

Michael L. Gorsline Vollertsen, Britt & Gorsline, PC 5119 Utica Ridge Rd. Davenport, IA 52807

Michael L. Gorsline Vollertsen, Britt & Gorsline 5119 Utica Ridge Rd. Davenport, IA 52807

ORA Orthopedics 2300 53rd Ave., Ste. LL04 Bettendorf, IA 52722

Ortho & Rheuma Assoc PC 3565 Utica Ridge Road Bettendorf, IA 52722

Ortho & Rheuma Assoc PC 1414 West Lombard Davenport, IA 52804

Orthopaedic Specialists 3385 Dexter Ct Ste. 300 Davenport, IA 52807-3471

Pearl Capital 9th Floor, 100 William St New York, NY 10038

Premier MRI Center, Inc. 3565 Utica Ridge Road Bettendorf, IA 52722

Quad Cities Nephrology Associates, LLC 400 John Deere Rd. Moline, IL 61265-6898

Radiology Group Imaging 1970 E. 53rd Street Davenport, IA 52807

Sneaky Pete's 207 N. Cody Rd. Le Claire, IA 52753 Case 16-00997-lmj13 Doc 56 Filed 09/15/16 Entered 09/15/16 14:36:52 Desc Main Document Page 16 of 40

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Sneaky Pete's 207 N. Cody Rd Le Claire, IA 52753

Thomas C. Hill Attorney at Law 1987 Spruce Hills Drive Bettendorf, IA 52722

TPC Cash & Carry 2160 E. 53rd Street Davenport, IA 52807

Tri State Adjustment 440 Challenge Street Freeport, IL 61032

Trinity Medical Center Payment Processing Center-PMD PO Box 219714 Kansas City, MO 64121-9714

Trinity Medical Center Payment Processing Center - PMD 10604 Justin Drive Des Moines, IA 50322-3755

Wal-Mart PO Box 530927 Atlanta, GA 30353-0927

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### UNITED STATES BANKRUPTCY COURT SOUTHERN DISTRICT OF IOWA

RE:		)	•
	RUSSELL E. SCHICKLING KATHY L. SCHICKLING	· ) ) )	CASE NO. 16-00997-LMJ13 FIRST AMENDED CHAPTER 13 PLAN
	Debtor(s).	<u> </u>	

#### 1. PAYMENTS TO TRUSTEE:

The future earnings of the Debtor(s) are submitted to the supervision and control of the Court and the Debtor(s) shall pay to the trustee the following monthly amounts:

a. Debtors will pay a minimum \$400,000 over sixty months as follows:

Debtors will pay \$1500.00 per month each October through February (October 2016-February, 2017), \$3,500 each March and April (2017 – 2018); \$5,500 per month every May and September (September 2016 - May 2017), \$10,000 each June, July and August (2016-2017); then \$8,500 per month every September and May (September 2017 – May, 2021); \$3,875 per month each October through February (October 2017 – February, 2021); \$6,500 per month each March and April (March, 2018 – April, 2021); \$13,000 each June, July and August (June, 2018 – August, 2020); plus net state and federal income tax refunds received by the Debtors (2016 – 2020).

Special Feasibility Provision: Pursuant to Paragraph 7, on or before October 15, 2016, the Debtors will sell the real estate at 203/207 N. Cody, LeClaire, Iowa and pay the secured creditor as set forth in Paragraph 7 below.

- b. The Debtor(s) shall, each year during the course of this plan, provide the Trustee with copies of their income tax returns when completed and filed. All current Iowa sales and withholding tax returns and deposits for Sneaky Pete's Steakhouse will be filed on time and electronically; and all payments shall be made electronically for the full amount due, and on time.
- c. If requested by the Court or Trustee, the Debtor(s) shall provide the Trustee with an annual statement of current income and expenses supported by their current proof of income, all as required by 11 USC 521(f)(4)(b) and the first such annual statement shall be due on April 30, 2017, and the same date each year thereafter during the course of the plan.

### 2. FILINGS OF PROOF OF CLAIMS:

a. The Trustee shall only distribute payments, including adequate protection payments, to creditors who actually filed proof of claim (including adequate proof of security) with the Court that are deemed allowed pursuant to 11 USC Section 502(a). However, if a creditor does not file a timely proof of such creditor's claim, then either the Debtor(s) or the Trustee may file such a claim as provided for by 11 USC Section 501(c) and in that event such claim shall be deemed the claim for all purposes under the plan.



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b. The Trustee shall mail payments to the address provided on the proof of claim unless the claimant provides the Trustee with another address in writing for payments to be sent. If the claim is assigned or transferred, the Trustee shall continue to remit payments to the original claimant until a former notice of assignment or transfer is filed with the Court.

#### 3. ADMINISTRATIVE CLAIMS:

The Trustee shall pay the allowed attorneys fees in equal monthly payments over six (6) months beginning the first month following the entry of the court order approving said fees or over a period of twelve (12) months if the monthly plan payments are not sufficient to pay the approved fees over six (6) months.

a. ATTORNEY FEES \$15,000 (as approved by court order; amount shown is estimate for purpose of calculating plan)

#### b. TRUSTEE'S STATUTORY FEE

The Trustee shall be entitled to reimbursement of fees and costs up to the percentage fee fixed by the Attorney General of each disbursement made by the Trustee, regardless of whether it is paid prior to or following confirmation.

### 4. PRIORITY CREDITOR CLAIMS:

The Trustee shall pay in full, in deferred cash payments, all claims entitled to priority under 11 USC Section 507, including the following unless the holder of a particular claim agrees to a different treatment. 11 USC Section 1322(a)(2). The amounts listed are estimates only; the Trustee will pay the amounts actually allowed.

a. Domestic Support Obligations ("DSO");
None

b. Priority claims other than DSO's:

Iowa Department of Revenue:

Internal Revenue Service:

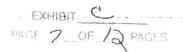
\$ 5,108.53 \$35,034.50

#### 5. SECURED CREDITOR CLAIMS:

Payments to secured creditors shall be made monthly in amounts representing their respective pro rata share of the plan payments available to pay secured creditors. Secured creditors shall be paid in full prior to any payments to unsecured creditors and such payments shall satisfy the Debtor's obligation, if any, to provide adequate protection payment to such secured creditors pursuant to 11 USC 1326(a)(1)(C).

### A. HOME MORTGAGE DEFAULT [§1332(b)(5)]:

The mortgage on the Debtors' homestead located at 28015 225<sup>th</sup> St., LeClaire, Iowa is cross-collateralized with 203/207 N. Cody Rd., LeClaire, Iowa; and both mortgages have been



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foreclosed and a sheriff's sale has been scheduled. Under Debtors' plan and pursuant to Paragraph 7 below, the business real estate at 203/207 N. Cody Rd., LeClaire, Iowa shall be sold and the proceeds net of selling expenses (estimated at \$349,000) shall paid directly Laura T. Lang outside the bankruptcy plan to satisfy in part the judgment owed to her together with interest at five percent (5%) after the filing date of the bankruptcy. After such payment, the balance -- estimated at \$15,000 -- shall be paid in full as a secured claim in Section B. below.

#### B. OTHER SECURED CLAIMS:

The Trustee will make payments to the following secured creditors with interest at the rate set forth below. It is the Debtor's intent that any claim not specifically provided for in this paragraph is deemed to be an unsecured claim and shall be treated and classified as such for purposes of determining the manner in which the Trustee will pay the claim. The creditors shall retain their liens securing such claim until the amount for which the claim is allowed as secured is paid in full (11 USC Sections 1325(a)(5)(B)(i) and 1327(c)). The secured claims shall also be paid interest at the rate of 5.0%; except the claims of the Iowa Department of Revenue and Internal Revenue Service are to be paid with their statutorily allowed rates.

Creditor	Collateral	Claim Amount	Secured Value
Laura T. Lang	Homestead	\$15,000	\$ 15,000
Ford Motor Credit	2002 Ford Taurus	\$ 600	\$ 600
Iowa Department of Revenue	Remaining Homestead And Personal Property	\$93,571.14	\$ 93,571.14
Internal Revenue Service	Remaining Homestead And Personal Property	\$208,832.01	\$154,130.78

### 6. TIMELY FILED UNSECURED CREDITOR CLAIMS:

The Trustee shall pay the allowed claims of unsecured creditors in monthly installments representing their respective pro rata share of the monthly plan payments available for payment to unsecured creditors, which payments shall commence after payment in full of all administrative costs (except the Trustees ongoing statutory fee which shall continue), all secured claims and all priority claims.

- a. The Debtor(s) is/are allowed to classify an unsecured consumer claim differently if it is guaranteed by another individual. 11 USC Section 1322(b)(1).
- b. Creditors holding unsecured claims shall be divided into two classes. 11 USC Section 1322(a)(3).

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- Class A. Class A shall consist of creditors holding allowed unsecured claims of \$15.00 or less. The claims of such creditors shall be waived.
- Class B. Class B shall consist of creditors holding allowed unsecured claims for any amount greater than \$15.00. The claims of such creditors shall be paid pro rata over the period of the plan.
- c. The Trustee will pay holders of non-priority unsecured claims for which proofs of claims are timely filed the balance of all payments received by the Trustee and not paid under paragraph 2, 3, 4 and 5 their pro rata share of the funds available for distribution.

NOTE: The actual dividend paid by the Trustee may vary depending upon allowance of secured and priority claims, as well as the total sum of unsecured claims filed. No interest accruing after the date of filing of the petitioner shall be allowed on claims of unsecured creditors. Unmatured interest shall be rebated in determining the allowed amount of any such claim. 11 USC Section 502(b)(2).

#### 7. SPECIAL PROVISION FOR 363 SALE OF REAL ESTATE.

a. Debtors will file a Motion under 11 U.S.C. §363 for authority to sell the real estate at 203/207 N. CODY, LECLAIRE, IOWA FREE AND CLEAR OF ALL LIENS. The sale is to close as soon as possible, and not later than September 15, 2016. The net proceeds of sale of this real estate, after payment of ordinary and customary costs of closing (including any realtor fees, attorney fees, real estate taxes, tax prorate and other costs of closing including but not limited to abstracting and revenue stamps) of approximately \$360,000 shall be paid first (directly and outside the plan) to satisfy in full or in part the secured claim of Laura T. Lang, including all principal and interest which has accrued since the filing of this case at Five Percent (5%) per annum; any remaining proceeds shall be paid next (directly and outside the plan) to satisfy in whole or part the secured claim of the Internal Revenue Service including all principal and interest which has accrued since of the filing of this plan at the statutory rate.

#### 8. OTHER PROVISIONS:

- a. Certain Post-Petition Claims. Any post-petition claim allowed under 11 USC Section 1305 shall be paid in full. If such payment results in a reduction in the amount to general unsecured creditors, the Debtor(s) hereby agree(s) to amend this plan to ensure payment to said creditors as originally contemplated.
- b. Right to Object to Claims Reserved. Debtor(s) reserve(s) the right to object to any proof of claim filed herein to contest it in amount, form or content and to require that the claim presented be properly supported by documentation as required by this court under applicable federal and state law.
- c. Mortgage Company to Send Statements or Coupon Books to Debtor(s). If holders of claims that are to be paid directly by the Debtor(s) have been providing monthly statements or coupon books pre-petition, then said claim holder shall continue to provide monthly statements or coupon books to facilitate the Debtor(s) in making their monthly



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rule, statute, or regulations, are invalid, void and otherwise unenforceable as to the Debtor(s) or the Chapter 13 Trustee.

Title to Secured Property. Upon the satisfaction or other discharge of a security 1. interest in a motor vehicle, mobile home, or in any other property of the estate in bankruptcy for which the certificate of title is in the possession of the secured party, the secured party shall within 10 days after demand and, in any event, within 30 days of receipt of the notice of the entry of the Discharge Order, execute a release of its security interest on the said title or certificate, in the space provided therefore on the certificate or as the Division of Motor Vehicles prescribes, and mail or deliver the certificate and release to the Debtor(s) or the attorney for the Debtor(s). Confirmation of this plan shall impose an affirmative and direct duty on each such secured party to comply with the provision. This provision shall be enforced in a proceeding filed before the Bankruptcy Court and each such creditor consents to such jurisdiction by failure to file any timely objection to this plan. Such an enforcement proceeding may be filed by the Debtor(s) in this case either before or after the entry of the discharge order and either before or after the closing of this case. The Debtor(s) specifically reserve the right to file a motion to reopen this case under Section 360 of Title 11 of the United States Code to pursue the rights and claims provided for herein.

m. Refund if Plan Not Confirmed. Should this plan not be confirmed, or be dismissed at any time after confirmation, the Trustee shall return to Debtor(s) all undistributed funds by delivering same to their attorney, H. J. Dane, 1111 E. River Drive, Davenport, Iowa, 52803.

The Debtor(s) further represents an ability to carry out this plan, that it is in good faith, and is their best effort. Dated: August 2, 2016 Signed: Debtor /s/ Kathy I Signed: Dated: August 2, 2016 Debtor Signed: Attorney for Debtors Summary of Debts scheduled to be paid in plan: \$ 63,000 Administrative Costs: \$ 40,143 Priority debts: \$ 296,214 Secured Debts and Interest 643 Unsecured debts: 400,000 TOTAL

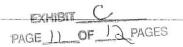
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installment payments. The sending of monthly statements or coupon books will not be a violation of the Automatic Stay. The Debtor(s) are not relieved from making their monthly installment if there has been an interruption in receipt of said monthly statements or coupon books.

- d. Lift Stay Terminates Creditor's Secured Distribution. Distribution to secured creditors who obtain relief from the Automatic Stay will terminate on entry of such order lifting the stay, notwithstanding any other term of this plan to the contrary, except to the extent an unsecured deficiency claim is filed, which will be paid as a general unsecured claim.
- e. Lien Avoidance. Any lien which may be avoided pursuant to 11 USC 522(f) shall be avoided to the benefit of Debtor(s), to the extent permitted under applicable state law. The holders of all other secured claims shall retain the lien securing such claims until the amount for which the claim is allowed as secured is paid in full. 11 USC 1325(a)(5)(B)(i).
- f. Vesting of Title. Title to the property of the estate shall vest in the Debtor(s) upon confirmation of the plan pursuant to 11 USC Section 1327(b).
- g. Claim of Exemptions. Debtor(s) claims of exempt property and valuations thereof filed pursuant to applicable state law, shall be allowed in the amounts listed on Schedule C.
- h. Late Filed Claims. All late filed unsecured claims shall be separately classified and will be paid 0%.
- i. Allowance of Claims. All timely filed claims shall be allowed as to the amount and classification unless objected to by the Debtor(s).
- j. Application of Mortgage Payments. Confirmation of the plan shall impose a duty on the holders and/or servicers of claims secured by liens on real property to apply the payments received from the Trustee on pre-petition arrearages, if any, only to such arrearages; to deem the pre-petition arrearages as contractually cured by confirmation; to apply the direct mortgage payments, if any, paid the Debtor(s) to the month in which they were made under the plan or directly by the Debtor(s), whether such payments are immediately applied to the loan or placed into some type of suspense account; to notify the Trustee, the Debtor(s) and the attorney for the Debtor(s) of any changes in the interest rate for an adjustable rate mortgage and the effective date of the adjustment; to notify the Trustee, the Debtor(s) and attorney for the Debtor(s) of any change in the taxes and insurance that would increase or reduce the escrow portion of the monthly mortgage payment; and to otherwise comply with 11 USC Section 524(i).
- k. Arbitration. The plan filed by Debtor(s) herein specifically rejects, avoids, cancels and otherwise releases the Debtor(s) for any and all contractual provisions, with any party or entity, which could or may impose on the Debtor(s) any duty, requirement or obligation to submit any and all claims, demands or causes of action of the Debtor(s) or any defenses, affirmative or otherwise, of any nature whatsoever, whether known or unknown, and whether arising pre-petition or post-petition, to any form of binding arbitration or alternative dispute resolution. Consequently, confirmation of this plan shall constitute a finding that any such clauses, conditions or provisions, whether arising under the Federal Arbitration Act or any state



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By signing below, the attorney certifies that on this document was filed electronically in the United States Bankruptcy Court, for the Southern District of Iowa. The parties listed below will receive notice electronically.

**US** Trustee

USTPRegion12.DM.ECF@usdoj.gov

Carol Dunbar cfdunbar@cfu.net, cdunbar13s@ecf.epigsystems.com

Elizabeth Goodman, Atty Chapter 13@qwest.net

Signed:

Attorney for Debtors

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Case 16-00997-lmj13 Doc 32 Filed 08/05/16 Entered 08/05/16 23:22:53 Desc Imaged Certificate of Notice Page 1 of 3 United States Bankruptcy Court Southern District of Iowa

In re: Russell E Schickling Kathy L Schickling Debtors

Case No. 16-00997-lmj Chapter 13

#### CERTIFICATE OF NOTICE

District/off: 0863-4	User: andl Form ID: NTCBDBK	Page 1 of 2 Total Noticed: 48	Date Rovd: Aug 03, 2016
Notice by first class mail Aug 05, 2016.	l was sent to the following	persons/entities by the I	Bankruptcy Noticing Center on
	Schickling, Kathy L Schi	ckling, 28105 225th St.	, Le Claire, IA 52753-9724
802166403 Advanceme Cedar Rap	, Inc., c/o Joseph G. Ber pids, IA 52406-0155	troche, Jr., 425-2nd St	reet SE, Suite 940, PO Box 155,
802166404 Bank of Ar	merica, PO Box 15726, W	ilmington, DE 19886-5726	
	merica, PO Box 17220, B		
	ne Bank (USA), N.A., PO B		
802166406 Cardiovas	cular Medicine, PO Box 42	8, Davenport, IA 52805-	0428
802167941 +Financial	Adjustment Bureau Inc.,	612 Jefferson, Burlingto	on, IA 52601-5428
802166409 +Financial	Adjustment Bureau, Inc.,	P.O. Box 276, 612 Jeff	erson, Burlington, IA 52601-5428
802166411 +Ford Moto: 802166413 Genesis Mo	r Credit, PO Box 152271, edical Center, PO Box 70,	Trving, TX /5015-22/1	71.0
	edical Center, P.O. Box 7		
	, 400 Skokie Blvd #375,		
			10471, DES MOINES IA 50306-0471
(address f	iled with court: Iowa Depa es, IA 50306)	rtment of Revenue, ATTN	: Bankruptcy Unit, PO Box 10471,
	Zmuda, Califf & Harper,	506 - 15th St. Ste. 600.	Moline, IL 61265-2149
	troche, 222 3rd Ave SE,		
802166425 +Kimberly	Park Dental Assoc., 3512	Jersey Ridge Road, Dave	nport, IA 52807-2223
802166427 +Laura T.	Lang, 5529 Baraboo Ct.,	Davenport, IA 52804-4867	
	, PO Box 309, Orion, IL		
	tan Medcial Laboratory, P		
802166431 +Michael L	. Gorsline, Vollertsen, B t, IA 52807-3062	ritt & Gorsline, 5119 U	tica Ridge Rd.,
802166430 +Michael L	. Gorsline, Vollertsen, B t, IA 52807-3062	ritt & Gorsline, PC, 51	19 Utica Ridge Rd.,
	pedics, 2300 53rd Ave., S	te. LL04, Bettendorf, I	A 52722-7565
	heuma Assoc PC, 2300 53rd		
	heuma Assoc PC, 1414 West		
	ital, 9th Floor, 100 Will		
	RI Center, Inc., 2300 53r		
	es Nephrology Associates, L		
	Group Imaging, 1970 E. 5		IA 52807-2710
	te's, 207 N. Cody Rd., & Carry, 2160 E. 53rd Str		7 270/
802166442 +Thomas C.	Hill Attorney at Law	1987 Spruce Hills Drive	Bettendorf, IA 52722-2624
802166444 +Tri State	Adjustment, 440 Challeng	e Street, Freeport, IL	61032-2540
802166445 Trinity M	edical Center, Payment Pr		
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	ext: data_processing@fin-red al Recovery Services, Inc.,		
	OF: gecsedi@recoverycorp.com		
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802166426 E-mail/Te	ext: bnckohlsnotices@becket	-lee.com Aug 03 2016 23:0	6:38 Kohl's Payment Center,
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	ext: jreagan@gcorthospecial		
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	DF: gecsedi@recoverycorp.co		Wal-Mart, PO Box 530927,
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District/off: 0863-4 User: andl Page 2 of 2 Date Rovd: Aug 03, 2016 Form ID: NTCBDBK Total Noticed: 48 \*\*\*\*\* BYPASSED RECIPIENTS (continued) \*\*\*\*\* \*\*\*\*\* BYPASSED RECIPIENTS (undeliverable, \* duplicate) \*\*\*\*\*
++IOWA DEPARTMENT OF REVENUE, ATTN BANKRUPTCY UNIT, PO BOX 10471, DES MOINE:
(address filed with court: Iowa Department of Revenue, Attn: Bankruptcy Unit,
P.O. Box 10471, Des Moines, IA 50306)
+Laura T. Lang, 5529 Baraboo Ct., Davenport, IA 52804-4867 DES MOINES IA 50306-0471 cr\* +Laura T. Lang, 5529 Bare ++INTERNAL REVENUE SERVICE, 802166420\* CENTRALIZED INSOLVENCY OPERATIONS, PHILADELPHIA PA 19101-7346 (address filed with court: Internal Revenue Service, Insolve 210 Walnut Street, Stop 5301, Des Moines, IA 50309-2109) +INTERNAL REVENUE SERVICE, CENTRALIZED INSOLVENCY OPERATIONS, Insolvency Group, ++INTERNAL REVENUE SERVICE, 802166418\* PO BOX 7346, PHILADELPHIA PA 19101-7346

(address filed with court: Internal Revenue Service, PO Box 21126, Philadelphia, P. ++IOWA DEPARTMENT OF REVENUE, ATTN BANKRUPTCY UNIT, PO BOX 10471, DES MOINES IA 50 (address filed with court: Iowa Department of Revenue, Hoover State Office Building, Philadelphia, PA 19114) DES MOINES IA 50306-0471 802166422\* Des Moines, IA 50319)

802166441\* +Sneaky Pete's, 207 N. Cody Rd, Le Claire, IA 52753-9219 TOTALS: 0, \* 6, ## 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '++' were redirected to the recipient's preferred mailing address pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g)(4).

I, Joseph Spectjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Aug 05, 2016 Signature: /s/Joseph Speetjens

#### CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on August 3, 2016 at the address(es) listed below:

Carol F. Dunbar cfdunbar@cfu.net, cdunbar13s@ecf.epiqsystems.com

Elizabeth E Goodman on behalf of Trustee Carol F. Dunbar chapter13@qwestoffice.net, awarford13@ecf.epiqsystems.com

H J Dane on behalf of Joint Debtor Kathy L Schickling hjdane@hjdane.com, kayla@hjdane.com,elizabeth@hjdane.com

H J Dane on behalf of Debtor Russell E Schickling hjdane@hjdane.com, kayla@hjdane.com;elizabeth@hjdane.com

John E Waters on behalf of Creditor Iowa Department of Revenue IDRBankruptcy@iowa.gov
Richard A Davidson on behalf of Creditor Laura T. Lang rdavidson@l-wlaw.com

United States Trustee USTPRegion12.DM.ECF@usdoj.gov

TOTAL: 7

EXHIBIT D
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Case 16-00997-lmj13 Doc 32 Filed 08/05/16 Entered 08/05/16 23:22:53 Desc Imaged Certificate of Notice Page 3 of 3 UNITED STATES BANKRUPTCY COURT

FOR THE SOUTHERN DISTRICT OF IOWA

110 E. Court Avenue, Suite 300 Des Moines, Iowa 50309-2044 www.iasb.uscourts.gov

In the Matter of: Russell E Schickling Kathy L Schickling Debtor(s)

Case No. 16-00997-Imj13

#### ORDER AND NOTICE OF BAR DATE

The following docket text and Notice of Bar Date result from the indicated document(s) filed in the above captioned case:

Notice of Bar Date to Chapter 13 Plan (RE: related document(s)25 Modified Chapter 13 Plan Before Confirmation filed by Debtor Russell E Schickling, Joint Debtor Kathy L Schickling) Objections Due By 08/24/2016. (andl)

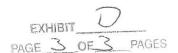
NOTICE IS GIVEN that objections to the above referenced matter must be filed by the date referenced in the above docket text. Objections, if any, shall be filed with the Clerk, U.S. Bankruptcy Court. Said objections must include proof of service on all appropriate parties as required by the Federal Rules of Bankruptcy Procedure.

NOTICE IS FURTHER GIVEN that only timely and substantive objections will be set for hearing by separate notice. Otherwise an appropriate order will be entered without further notice and hearing.

IT IS THEREFORE ORDERED that this notice supersedes any other bar date notice the filer may have served for this matter and all parties receiving this notice shall govern themselves accordingly.

IT IS FURTHER ORDERED that a party who has not already received the document(s) indicated above may request such document(s) from the filer (if review of the content is absolutely necessary in determining whether to file an objection to the above referenced matter) and the filer shall comply promptly with such request.

> Judge Lee M. Jackwig United States Bankruptcy Judge



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## UNITED STATES BANKRUPTCY COURT SOUTHERN DISTRICT OF IOWA

RE:  RUSSELL E. SCHICKLING  KATHY L. SCHICKLING  Debtor(s).	) CASE NO. 16-00997 ) )		
<u>P1</u>	ROOF OF SERVICE		
The undersigned certifies that the attached Instrument was served on all parties to the above cause to each of the attorneys of record herein at their respective addresses electronically (ECF) as indicated on September 2, 2016 and by U.S. Mail as indicated on attached list on August 24, 2016.			
By: X U.S. Mail Hand Delivered Certified Mail	Fax Overnight Courier X Other Electronic, as ir	ndicated	
U.S. Trustee @ USTPRegion12.DM.ECF@usdoj.gov	Carol Dunbar, Trustee  mcdunbar@cfu.net; cdunbar13s@ecf.epiqsystems.com	Richard A. Davidson rdavidson@l- wlaw.com	
John E. Waters IDRbankruptcy@iowa.gov	Elizabeth E. Goodman on behalf of Trustee Carol F. Dunbar Chapter 13@qwestoffice.net; awarford 14@ecf.epiqsystems.com	SEE ATTACHED LIST OF CREDITORS	

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Advanceme, Inc. c/o Joseph G. Bertroche, Jr. 425-2nd Street SE, Suite 940 PO Box 155 Cedar Rapids, IA 52406-0155

Bank of America PO Box 15726 Wilmington, DE 19886-5726

Bank of America PO Box 17220 Baltimore, MD 21297-1220

Cardiovascular Medicine PO Box 428 Davenport, IA 52805-0428

Discover PO Box 30395 Salt Lake City, UT 84130-0395

Discover Card Services PO Box 15316 Wilmington, DE 19850

Financial Adjustment Bureau, Inc. P.O. Box 276 612 Jefferson Burlington, IA 52601

Financial Recovery Services, Inc. PO Box 385908
Minneapolis, MN 55438-5908

Ford Motor Credit
PO Box 152271
Irving, TX 75015

GEMB PO Box 960090 Orlando, FL 32896-0090

Genesis Medical Center PO Box 70 Davenport, IA 52805-0070

Genesis Medical Center P.O. Box 739 Moline, IL 61266-0739

Gibraltar 400 Skokie Blvd #375 Northbrook, IL 60062 H & R Accounts P.O. Box 672 Moline, IL 61265

H & R Accounts, Inc. 7017 John Deere Parkway PO Box 672 Moline, IL 61266-0672

Internal Revenue Service PO Box 21126 Philadelphia, PA 19114

Internal Revenue Service Associate Area Counsel 1616 Capital Avenue Suite 435 Omaha, NE 68102-4923

Internal Revenue Service Insolvency Group 210 Walnut Street, Stop 5301 Des Moines, IA 50309-2109

Iowa Department of Revenue ATTN: Bankruptcy Unit PO Box 10471 Des Moines, IA 50306

Iowa Department of Revenue Hoover State Office Building Des Moines, IA 50319

James S. Zmuda Califf & Harper 506 - 15th St. Ste. 600 Moline, IL 61265

Joseph Betroche 222 3rd Ave SE Cedar Rapids, IA 52401

Kimberly Park Dental Assoc. 3512 Jersey Ridge Road Davenport, IA 52807

Kohl's Payment Center PO Box 2983 Milwaukee, WI 53201-2983

Laura T. Lang 5529 Baraboo Ct. Davenport, IA 52804

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Medic EMS PO Box 309 Orion, IL 61273-0309

Metropolitan Medcial Laboratory P.O. Box 128
Davenport, IA 52805-0128

Michael L. Gorsline Vollertsen, Britt & Gorsline, PC 5119 Utica Ridge Rd. Davenport, IA 52807

Michael L. Gorsline Vollertsen, Britt & Gorsline 5119 Utica Ridge Rd. Davenport, IA 52807

ORA Orthopedics 2300 53rd Ave., Ste. LL04 Bettendorf, IA 52722

Ortho & Rheuma Assoc PC 3565 Utica Ridge Road Bettendorf, IA 52722

Ortho & Rheuma Assoc PC 1414 West Lombard Davenport, IA 52804

Orthopaedic Specialists 3385 Dexter Ct Ste. 300 Davenport, IA 52807-3471

Pearl Capital 9th Floor, 100 William St New York, NY 10038

Premier MRI Center, Inc. 3565 Utica Ridge Road Bettendorf, IA 52722

Quad Cities Nephrology Associates, LLC 400 John Deere Rd. Moline, IL 61265-6898

Radiology Group Imaging 1970 E. 53rd Street Davenport, IA 52807

Sneaky Pete's 207 N. Cody Rd. Le Claire, IA 52753 Sneaky Pete's 207 N. Cody Rd Le Claire, IA 52753

Thomas C. Hill Attorney at Law 1987 Spruce Hills Drive Bettendorf, IA 52722

TPC Cash & Carry 2160 E. 53rd Street Davenport, IA 52807

Tri State Adjustment 440 Challenge Street Freeport, IL 61032

Trinity Medical Center Payment Processing Center-PMD PO Box 219714 Kansas City, MO 64121-9714

Trinity Medical Center
Payment Processing Center - PMD
10604 Justin Drive
Des Moines, IA 50322-3755

Wal-Mart PO Box 530927 Atlanta, GA 30353-0927

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## UNITED STATES BANKRUPTCY COURT SOUTHERN DISTRICT OF IOWA

		·
RE:		)
	RUSSELL E. SCHICKLING	) CASE NO. 16-00997-LMJ13
	KATHY L. SCHICKLING	) SECOND AMENDED
		) CHAPTER 13 PLAN
	Debtor(s).	)

### 1. PAYMENTS TO TRUSTEE:

The future earnings of the Debtor(s) are submitted to the supervision and control of the Court and the Debtor(s) shall pay to the trustee the following monthly amounts:

a. Debtors will pay a minimum \$400,000 over sixty months as follows:

Debtors will pay \$1500.00 per month each October through February (October 2016-February, 2017); \$3,500 in March and April of 2017; \$5,500 per month every May and September (September 2016 - May 2017), \$10,000 each June, July and August (2016-2017); then \$8,500 per month every September and May (September 2017 - May, 2021); \$3,875 per month each October through February (October 2017 - February, 2021); \$6,500 per month each March and April (March, 2018 - April, 2021); \$13,000 each June, July and August (June, 2018 - August, 2020); plus net state and federal income tax refunds received by the Debtors (2016 - 2020).

Special Feasibility Provision: Pursuant to Paragraph 7, on or before October 15, 2016, the Debtors will sell the real estate at 203/207 N. Cody, LeClaire, Iowa and pay the secured creditor as set forth in Paragraph 7 below.

- b. The Debtor(s) shall, each year during the course of this plan, provide the Trustee with copies of their income tax returns when completed and filed. All current Iowa sales and withholding tax returns and deposits for Sneaky Pete's Steakhouse will be filed on time and electronically; and all payments shall be made electronically for the full amount due, and on time.
- c. If requested by the Court or Trustee, the Debtor(s) shall provide the Trustee with an annual statement of current income and expenses supported by their current proof of income, all as required by 11 USC 521(f)(4)(b) and the first such annual statement shall be due on April 30, 2017, and the same date each year thereafter during the course of the plan.

#### 2. FILINGS OF PROOF OF CLAIMS:

a. The Trustee shall only distribute payments, including adequate protection payments, to creditors who actually filed proof of claim (including adequate proof of security) with the Court that are deemed allowed pursuant to 11 USC Section 502(a). However, if a creditor does not file a timely proof of such creditor's claim, then either the Debtor(s) or the Trustee may file such a claim as provided for by 11 USC Section 501(c) and in that event such claim shall be deemed the claim for all purposes under the plan.

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b. The Trustee shall mail payments to the address provided on the proof of claim unless the claimant provides the Trustee with another address in writing for payments to be sent. If the claim is assigned or transferred, the Trustee shall continue to remit payments to the original claimant until a former notice of assignment or transfer is filed with the Court.

#### 3. ADMINISTRATIVE CLAIMS:

The Trustee shall pay the allowed attorneys fees in equal monthly payments over six (6) months beginning the first month following the entry of the court order approving said fees or over a period of twelve (12) months if the monthly plan payments are not sufficient to pay the approved fees over six (6) months.

a. ATTORNEY FEES \$15,000 (as approved by court order; amount shown is estimate for purpose of calculating plan)

#### b. TRUSTEE'S STATUTORY FEE

The Trustee shall be entitled to reimbursement of fees and costs up to the percentage fee fixed by the Attorney General of each disbursement made by the Trustee, regardless of whether it is paid prior to or following confirmation.

#### 4. PRIORITY CREDITOR CLAIMS:

The Trustee shall pay in full, in deferred cash payments, all claims entitled to priority under 11 USC Section 507, including the following unless the holder of a particular claim agrees to a different treatment. 11 USC Section 1322(a)(2). The amounts listed are estimates only; the Trustee will pay the amounts actually allowed.

a. Domestic Support Obligations ("DSO");
None

b. Priority claims other than DSO's:

Iowa Department of Revenue:

\$ 5,108.53

Internal Revenue Service:

\$35,034.50

### 5. SECURED CREDITOR CLAIMS:

Payments to secured creditors shall be made monthly in amounts representing their respective pro rata share of the plan payments available to pay secured creditors. Secured creditors shall be paid in full prior to any payments to unsecured creditors and such payments shall satisfy the Debtor's obligation, if any, to provide adequate protection payment to such secured creditors pursuant to 11 USC 1326(a)(1)(C).

#### A. HOME MORTGAGE DEFAULT [§1332(b)(5)]:

The mortgage on the Debtors' homestead located at 28015 225<sup>th</sup> St., LeClaire, Iowa is cross-collateralized with 203/207 N. Cody Rd., LeClaire, Iowa; and both mortgages have been

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foreclosed and a sheriff's sale has been scheduled. Under Debtors' plan and pursuant to Paragraph 7 below, the business real estate at 203/207 N. Cody Rd., LeClaire, Iowa shall be sold and the proceeds net of selling expenses (estimated at \$349,000) shall paid directly Laura T. Lang outside the bankruptcy plan to satisfy in part the judgment owed to her together with interest at five percent (5%) after the filing date of the bankruptcy. After such payment, the balance -- estimated at \$31,500 -- shall be paid in full as a secured claim in Section B. below.

#### B. OTHER SECURED CLAIMS:

The Trustee will make payments to the following secured creditors with interest at the rate set forth below. It is the Debtor's intent that any claim not specifically provided for in this paragraph is deemed to be an unsecured claim and shall be treated and classified as such for purposes of determining the manner in which the Trustee will pay the claim. The creditors shall retain their liens securing such claim until the amount for which the claim is allowed as secured is paid in full (11 USC Sections 1325(a)(5)(B)(i) and 1327(c)). The secured claims shall also be paid interest at the rate of 5.0%; except the claims of the Iowa Department of Revenue and Internal Revenue Service are to be paid with their statutorily allowed rates.

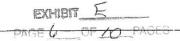
Creditor	Collateral	Claim Amount	Secured Value
Laura T. Lang	Homestead	\$15,000	\$ 31,500
Ford Motor Credit	2002 Ford Taurus	\$ 600	\$ 600
Iowa Department of Revenue	Remaining Homestead And Personal Property	\$93,571.14	\$ 93,571.14
Internal Revenue Service	Remaining Homestead And Personal Property	\$208,832.01	\$137,630.79*

<sup>\*</sup>IRS Secured claim to be increased or decreased by amount by which Laura Lang secured claim paid herein is greater than or less than \$31,500.

### 6. TIMELY FILED UNSECURED CREDITOR CLAIMS:

The Trustee shall pay the allowed claims of unsecured creditors in monthly installments representing their respective pro rata share of the monthly plan payments available for payment to unsecured creditors, which payments shall commence after payment in full of all administrative costs (except the Trustees ongoing statutory fee which shall continue), all secured claims and all priority claims.

- a. The Debtor(s) is/are allowed to classify an unsecured consumer claim differently if it is guaranteed by another individual. 11 USC Section 1322(b)(1).
- b. Creditors holding unsecured claims shall be divided into two classes. 11 USC Section 1322(a)(3).



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- Class A. Class A shall consist of creditors holding allowed unsecured claims of \$15.00 or less. The claims of such creditors shall be waived.
- Class B. Class B shall consist of creditors holding allowed unsecured claims for any amount greater than \$15.00. The claims of such creditors shall be paid pro rata over the period of the plan.
- c. The Trustee will pay holders of non-priority unsecured claims for which proofs of claims are timely filed the balance of all payments received by the Trustee and not paid under paragraph 2, 3, 4 and 5 their pro rata share of the funds available for distribution.

NOTE: The actual dividend paid by the Trustee may vary depending upon allowance of secured and priority claims, as well as the total sum of unsecured claims filed. No interest accruing after the date of filing of the petitioner shall be allowed on claims of unsecured creditors. Unmatured interest shall be rebated in determining the allowed amount of any such claim. 11 USC Section 502(b)(2).

#### 7. SPECIAL PROVISION FOR 363 SALE OF REAL ESTATE.

a. Debtors will file a Motion under 11 U.S.C. §363 for authority to sell the real estate at 203/207 N. CODY, LECLAIRE, IOWA FREE AND CLEAR OF ALL LIENS. The sale is to close as soon as possible, and not later than September 15, 2016. The net proceeds of sale of this real estate, after payment of ordinary and customary costs of closing (including any realtor fees, attorney fees, real estate taxes, tax prorate and other costs of closing including but not limited to abstracting and revenue stamps) of approximately \$360,000 shall be paid first (directly and outside the plan) to satisfy in full or in part the secured claim of Laura T. Lang, including all principal and interest which has accrued since the filing of this case at Five Percent (5%) per annum; any remaining proceeds shall be paid next (directly and outside the plan) to satisfy in part the secured claim of the Iowa Department of Revenue plus interest accrued since of the filing of this plan at the statutory rate.

#### 8. OTHER PROVISIONS:

- a. Certain Post-Petition Claims. Any post-petition claim allowed under 11 USC Section 1305 shall be paid in full. If such payment results in a reduction in the amount to general unsecured creditors, the Debtor(s) hereby agree(s) to amend this plan to ensure payment to said creditors as originally contemplated.
- b. Right to Object to Claims Reserved. Debtor(s) reserve(s) the right to object to any proof of claim filed herein to contest it in amount, form or content and to require that the claim presented be properly supported by documentation as required by this court under applicable federal and state law.
- c. Mortgage Company to Send Statements or Coupon Books to Debtor(s). If holders of claims that are to be paid directly by the Debtor(s) have been providing monthly statements or coupon books pre-petition, then said claim holder shall continue to provide monthly statements or coupon books to facilitate the Debtor(s) in making their monthly

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installment payments. The sending of monthly statements or coupon books will not be a violation of the Automatic Stay. The Debtor(s) are not relieved from making their monthly installment if there has been an interruption in receipt of said monthly statements or coupon books.

- d. Lift Stay Terminates Creditor's Secured Distribution. Distribution to secured creditors who obtain relief from the Automatic Stay will terminate on entry of such order lifting the stay, notwithstanding any other term of this plan to the contrary, except to the extent an unsecured deficiency claim is filed, which will be paid as a general unsecured claim.
- e. Lien Avoidance. Any lien which may be avoided pursuant to 11 USC 522(f) shall be avoided to the benefit of Debtor(s), to the extent permitted under applicable state law. The holders of all other secured claims shall retain the lien securing such claims until the amount for which the claim is allowed as secured is paid in full. 11 USC 1325(a)(5)(B)(i)
- Vesting of Title. Title to the property of the estate shall vest in the Debtor(s) upon confirmation of the plan pursuant to 11 USC Section 1327(b).
- g. Claim of Exemptions. Debtor(s) claims of exempt property and valuations thereof filed pursuant to applicable state law, shall be allowed in the amounts listed on Schedule C.
- h. Late Filed Claims. All late filed unsecured claims shall be separately classified and will be paid 0%.
- i. Allowance of Claims. All timely filed claims shall be allowed as to the amount and classification unless objected to by the Debtor(s).
- Application of Mortgage Payments. Confirmation of the plan shall impose a duty on the holders and/or servicers of claims secured by liens on real property to apply the payments received from the Trustee on pre-petition arrearages, if any, only to such arrearages; to deem the pre-petition arrearages as contractually cured by confirmation; to apply the direct mortgage payments, if any, paid the Debtor(s) to the month in which they were made under the plan or directly by the Debtor(s), whether such payments are immediately applied to the loan or placed into some type of suspense account; to notify the Trustee, the Debtor(s) and the attorney for the Debtor(s) of any changes in the interest rate for an adjustable rate mortgage and the effective date of the adjustment; to notify the Trustee, the Debtor(s) and attorney for the Debtor(s) of any change in the taxes and insurance that would increase or reduce the escrow portion of the monthly mortgage payment; and to otherwise comply with 11 USC Section 524(i).
- k. Arbitration. The plan filed by Debtor(s) herein specifically rejects, avoids, cancels and otherwise releases the Debtor(s) for any and all contractual provisions, with any party or entity, which could or may impose on the Debtor(s) any duty, requirement or obligation to submit any and all claims, demands or causes of action of the Debtor(s) or any defenses, affirmative or otherwise, of any nature whatsoever, whether known or unknown, and whether arising pre-petition or post-petition, to any form of binding arbitration or alternative dispute resolution. Consequently, confirmation of this plan shall constitute a finding that any such clauses, conditions or provisions, whether arising under the Federal Arbitration Act or any state

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rule, statute, or regulations, are invalid, void and otherwise unenforceable as to the Debtor(s) or the Chapter 13 Trustee.

- Title to Secured Property. Upon the satisfaction or other discharge of a security 1. interest in a motor vehicle, mobile home, or in any other property of the estate in bankruptcy for which the certificate of title is in the possession of the secured party, the secured party shall within 10 days after demand and, in any event, within 30 days of receipt of the notice of the entry of the Discharge Order, execute a release of its security interest on the said title or certificate, in the space provided therefore on the certificate or as the Division of Motor Vehicles prescribes, and mail or deliver the certificate and release to the Debtor(s) or the attorney for the Debtor(s). Confirmation of this plan shall impose an affirmative and direct duty on each such secured party to comply with the provision. This provision shall be enforced in a proceeding filed before the Bankruptcy Court and each such creditor consents to such jurisdiction by failure to file any timely objection to this plan. Such an enforcement proceeding may be filed by the Debtor(s) in this case either before or after the entry of the discharge order and either before or after the closing of this case. The Debtor(s) specifically reserve the right to file a motion to reopen this case under Section 360 of Title 11 of the United States Code to pursue the rights and claims provided for herein.
- m. Refund if Plan Not Confirmed. Should this plan not be confirmed, or be dismissed at any time after confirmation, the Trustee shall return to Debtor(s) all undistributed funds by delivering same to their attorney, H. J. Dane, 1111 E. River Drive, Davenport, Iowa, 52803.

The Debtor(s) further represents an ability to carry out this plan, that it is in good faith, and is their best effort.

/s/ Russell E. Schickling Dated: September 1, 2016 Dated: September 1, 2016 Debtor Attorney for Debters Summary of Debts scheduled to be paid in plan: Administrative Costs: 63,000 \$ 40,143 Priority debts: \$ 296,214 Secured Debts and Interest Unsecured debts: \$ 643

TOTAL

\$

400,000

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By signing below, the attorney certifies that on this  $\frac{2^{\gamma \sqrt{1}}}{2^{\gamma \sqrt{1}}}$  day of September, 2016, this document was filed electronically in the United States Bankruptcy Court, for the Southern District of Iowa. The parties listed below will receive notice electronically.

US Trustee
USTPRegion12.DM.ECF@usdoj.gov

Carol Dunbar cfdunbar@cfu.net, cdunbar13s@ecf.epigsystems.com

Elizabeth Goodman, Atty Chapter 13@qwest.net

Signed:

/s/ H. J. Dane

EXHIBIT E
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United States Bankruptcy Court
Southern District of Iowa

In re: Russell E Schickling Kathy L Schickling Debtors

District/off: 0863-4

Case No. 16-00997-lmj Chapter 13

Date Rcvd: Sep 02, 2016

#### CERTIFICATE OF NOTICE

Page 1 of 2

User: andl

Form ID: NTCBDBK

Total Noticed: 51 Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Sep 04, 2016. +Russell E Schickling, Kathy L Schickling, 28105 225th St., Le Claire, IA 52753-9724 Advanceme, Inc., c/o Joseph G. Bertroche, Jr., 425-2nd Street SE, Suite 940, PO Box 155, 802166403 Cedar Rapids, IA 52406-0155 Bank of America, 802166404 PO Box 15726, Wilmington, DE 19886-5726 Bank of America, PO Box 17220, 802166405 Baltimore, MD 21297-1220 802187296 +Can Capital Merchant Services, Inc., 2015 Vaughn Road, Building 500, Kennesaw, GA 30144-7831 Kennesaw, GA 30144-7831
Capital One Bank (USA), N.A., PO Box 71083, Charlotte, NC 28272-1083
Capital One NA, c/o Becket and Lee LLP, PO Box 3001, Malvern PA 19355-070
Cardiovascular Medicine, PO Box 428, Davenport, IA 52805-0428
+Financial Adjustment Bureau Inc., 612 Jefferson, Burlington, IA 52601-5428

Timesoial Adjustment Bureau Inc., P.O. Box 276, 612 Jefferson, Burlington 802176991 802183926 Malvern PA 19355-0701 802166406 802167941 +Financial Adjustment Bureau Inc., 612 Jefferson, Burlington, IA 52601-5428
+Financial Adjustment Bureau, Inc., P.O. Box 276, 612 Jefferson, Burlington, IA 52601-5428
+Ford Motor Credit, PO Box 152271, Irving, TX 75015-2271
Genesis Medical Center, P.O. Box 739, Moline, IL 61266-0739
Genesis Medical Center, PO Box 70, Davenport, IA 52805-0070
+Gibraltar, 400 Skokie Blvd #375, Northbrook, IL 60062-7928
+HOWA DEPARTMENT OF REVENUE, ATTN BANKRUPTCY UNIT, PO BOX 10471, DES MOINES IA 50306-0471
(address filed with court: Iowa Department of Revenue, ATTN: Bankruptcy Unit, PO Box 10471, 802166409 Burlington, IA 52601-5428 802166411 802166414 802166413 802166415 802166421 ATTN: Bankruptcy Unit, PO Box 10471, Des Moines, IA 50306) +James S. Zmuda, Califf & Harper, 506 - 15th St. Ste. 600, Moline, IL 61265-:
+Joseph Betroche, 222 3rd Ave SE, Cedar Rapids, IA 52401-1509
+Kimberly Park Dental Assoc., 3512 Jersey Ridge Road, Davenport, IA 52807-2223
+Laura T. Lang, 5529 Baraboo Ct., Davenport, IA 52804-4867
Medic EMS, PO Box 309, Orion, IL 61273-0309
Metropolitan Medical Laboratory. P.O. Box 128. Davenport, IA 52805-0128 802166423 Moline, IL 61265-2149 802166424 802166425 802166427 802166428 Metropolitan Medcial Laboratory, P.O. Box 128, Davenport, IA 52805-0128 Michael L. Gorsline, Vollertsen, Britt & Gorsline, 5119 Utica Ridge Rd., 802166429 Davenport, IA 52805-0128 802166431 +Michael L. Gorsline, Davenport, IA 52807-3062

+Michael L. Gorsline, Vollertsen, Britt & Gorsline, PC, 5119 Utica Ridge Rd.,
Davenport, IA 52807-3062 802166430 802166432 802166433 802166434 +Ortho & Rheuma Assoc PC, 1414 West Lombard, Davenport, IA 52804-2148
Pearl Capital, 9th Floor, 100 William St, New York, NY 10038
+Premier MRI Center, Inc., 2300 53rd Ave., #L101, Bettendorf, IA 52722-7564
Quad Cities Nephrology Associates, LLC, 400 John Deere Rd., Moline, IL 61265-6898
+Radiology Group Imaging, 1970 E. 53rd Street, Davenport, IA 52807-2710
+Sneaky Pete's, 207 N. Cody Rd., Le Claire, IA 52753-9219
+TPC Cash & Carry, 2160 E. 53rd Street, Davenport, IA 52807-2706
+Thomas C. Hill, Attorney at Law, 1987 Spruce Hills Drive, Bettendorf, IA 52722-2624
+Tri State Adjustment, 440 Challenge Street, Freeport, IL 61032-2540
Trinity Medical Center, Payment Processing Center-PMD, PO Box 219714,
Kansas Citv. MO 64121-9714 802166436 802166437 802166438 802166439 802166440 802166443 802166442 802166444 802166445 Kansas City, MO 64121-9714 Trinity Medical Center, Des Moines, IA 50322-3755 802166446 Payment Processing Center - PMD, 10604 Justin Drive. 802166407

E-mail/Text: mrdiscen@discover.com Sep 02 2016 22:37:09 Discover, PO Box 30395. Salt Lake City, UT 84130-0395 E-mail/Text: mrdiscen@discover.com Sep 02 2016 22:37:09 802166408 Discover Card Services. PO Box 15316, Wilmington, DE 19850 E-mail/Text: mrdiscen@discover.com Sep 02 2016 22:37:09 802168429 Discover Bank. Discover Products Inc., PO Box 3025, New Albany, OH 43054-3025 E-mail/Text: data processing@fin-rec.com Sep 02 2016 22:37:10 802166410 Financial Recovery Services, Inc., PO Box 385908, Minneapolis, MN 55438-5908 802166412 E-mail/PDF: gecsedi@recoverycorp.com Sep 02 2016 22:33:55 GEMB, PO Box 960090, Orlando, FL 32896-0090 +E-mail/Text: bankruptcy@hraccounts.com Sep 02 2016 22:37:10 802174885 GENESIS HOME MEDICAL EQUIPMENT. C/O H AND R ACCOUNTS INC, PO BOX 672, C/O H AND R ACCOUNTS INC, PO BOX 672, MOLINE, IL 61266-0672 +E-mail/Text: bankruptcy@hraccounts.com Sep 02 2016 22:37:10 802166416 H & R Accounts, P.O. Box 672, Moline, IL 61266-0672 E-mail/Text: bankruptcy@hraccounts.com Sep 02 2016 22:37:10 H & R Accounts, Inc 7017 John Deere Parkway, PO Box 672, Moline, IL 61266-0672
E-mail/Text: cio.bncmail@irs.gov Sep 02 2016 22:37:10 Internal Revenue Service, Associate Area Counsel, 1616 Capital Avenue Suite 435, Omaha, NE 68102-4923 802166417 H & R Accounts, Inc., 802156419 Omaha, NE 68102-4923 802166426 E-mail/Text: bnckohlsnotices@becket-lee.com Sep 02 2016 22:37:10 Kohl's Payment Center, PO Box 2983, Milwaukee, WI 53201-2983 +E-mail/Text: mdeclerck@quad-corp.com Sep 02 2016 22:37:16 802170207 Metro Lab,QC Path,Pulmonary,Genesis Health System, c/o Quad Corporation, 2322 E Kimberly Rd Ste 215W, Davenport, IA 52807-7207

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Le Claire, IA 52753-9219

User: andl Total Noticed: 51 Form ID: NTCBDBK Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center (continued) +E-mail/Text: bankruptcy@hraccounts.com Sep 02 2016 22:37:10 NEUROLOGY CONSULTANTS. 802174884 C/O H AND R ACCOUNTS INC, PO BOX 672, MOLINE, IL 61266-0672 E-mail/Text: jreagan@qcorthospecialists.com Sep 02 2016 22:37:14 3385 Dexter Ct Ste. 300, Davenport, IA 52807-3471 Orthopaedic Specialists, 802166435 E-mail/PDF: gecsedi@recoverycorp.com Sep 02 2016 22:33:47 Wal-Mart, PO Box 530927, 802166447 Atlanta, GA 30353-0927 TOTAL: 15 \*\*\*\*\* BYPASSED RECIPIENTS (undeliverable, \* duplicate) \*\*\*\*\*
++IOWA DEPARTMENT OF REVENUE, ATTN BANKRUPTCY UNIT, PO BOX 10471, DES MOINE
(address filed with court: Iowa Department of Revenue, Attn: Bankruptcy Unit, CI\* (address filed with court: P.O. Box 10471, Des Moines, IA 50306) Jaura T. Lang, 5529 Baraboo Ct., Dave +Laura T. Lang, Davenport, IA 52804-4867 ++INTERNAL REVENUE SERVICE, CENTRALIZED INSOLVENCY OPERATIONS, PO BOX 7346. 802166420\* PHILADELPHIA PA 19101-7346 (address filed with court: Inte 210 Walnut Street, Stop 5301, ++INTERNAL REVENUE SERVICE, CEN PHILADELPHIA PA 19101-7346 Internal Revenue Service, Inso 301, Des Moines, IA 50309-2109) Insolvency Group, CENTRALIZED INSOLVENCY OPERATIONS, PO BOX 7346, 802166418\* (address filed with court: Internal Revenue Service, PO Box 21126 ++IOWA DEPARTMENT OF REVENUE, ATTN BANKRUPTCY UNIT, PO BOX 10471, PO Box 21126, Philadelphia, PA 19114) DES MOINES IA 50306-0471 802166422\* Iowa Department of Revenue, Hoover State Office Building, (address filed with court:

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

+Sneaky Pete's, 207 N. Cody Rd,

Des Moines, IA 50319)

District/off: 0863-4

802166441\*

Addresses marked '++' were redirected to the recipient's preferred mailing address pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g)(4).

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Signature: /s/Joseph Speetjens Date: Sep 04, 2016

#### CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on September 2, 2016 at the address(es) listed below:
Carol F. Dunbar cfdunbar@cfu.net, cdunbar13 cfdunbar@cfu.net, cdunbarl3s@ecf.epiqsystems.com on behalf of Trustee Carol F. Dunbar cfdunbar@cfu.net, Carol F. Dunbar cdunbarl3s@ecf.epiqsystems.com on behalf of Trustee Carol F. Dunbar chapter13@qwestoffice.net, Elizabeth E Goodman awarfordl3@ecf.epiqsystems.com I J Dane on behalf of Joint Debtor Kathy L Schickling hjdane@hjdane.com, H J Dane kayla@hjdane.com;elizabeth@hjdane.com on behalf of Debtor Russell E Schickling hjdane@hjdane.com, kayla@hjdane.com;elizabeth@hjdane.com
John E Waters on behalf of Creditor Iowa Department of Revenue IDRBankrup
Richard A Davidson on behalf of Creditor Laura T. Lang rdavidson@l-wlaw.com
United States Trustee USTPRegion12.DM.ECF@usdoj.gov Iowa Department of Revenue IDRBankruptcy@iowa.gov

TOTAL: 8

Date Rovd: Sep 02, 2016

TOTALS: 0, \* 6, ## 0

## Case 16-00997-lmj13 Doc 56 Filed 09/15/16 Entered 09/15/16 14:36:52 Desc Main Document Page 39 of 40

Case 16-00997-lmj13 Doc 47 Filed 09/04/16 Entered 09/04/16 23:22:37 Desc Imaged Certificate of Notice Page 3 of 3 UNITED STATES BANKRUPTCY COURT FOR THE SOUTHERN DISTRICT OF IOWA

> 110 E. Court Avenue, Suite 300 Des Moines, Iowa 50309-2044 www.iasb.uscourts.gov

In the Matter of: Russell E Schickling Kathy L Schickling Debtor(s) Case No. 16-00997-lmj13

#### ORDER AND NOTICE OF BAR DATE

The following docket text and Notice of Bar Date result from the indicated document(s) filed in the above captioned case:

Notice of Bar Date to Chapter 13 Plan (RE: related document(s)44 Modified Chapter 13 Plan Before Confirmation filed by Debtor Russell E Schickling, Joint Debtor Kathy L Schickling) Objections Due By 09/23/2016. (andl)

**NOTICE IS GIVEN that** objections to the above referenced matter must be filed by the date referenced in the above docket text. Objections, if any, shall be filed with the Clerk, U.S. Bankruptcy Court. Said objections must include proof of service on all appropriate parties as required by the Federal Rules of Bankruptcy Procedure.

NOTICE IS FURTHER GIVEN that only timely and substantive objections will be set for hearing by separate notice. Otherwise an appropriate order will be entered without further notice and hearing.

IT IS THEREFORE ORDERED that this notice supersedes any other bar date notice the filer may have served for this matter and all parties receiving this notice shall govern themselves accordingly.

IT IS FURTHER ORDERED that a party who has not already received the document(s) indicated above may request such document(s) from the filer (if review of the content is absolutely necessary in determining whether to file an objection to the above referenced matter) and the filer shall comply promptly with such request.

Judge Lee M. Jackwig United States Bankruptcy Judge

EXHIBIT F PAGES

### H. J. DANE LAW OFFICE

Attorneys and Counselors at Law

H. J. (Jack) Dane Breanne M. Schadt Jennie L. Clausen Alicia D. Gieck Calvin H. Dane

KSTT Place 1111 E. River Drive Davenport, Iowa 52803-5740 Licensed in Iowa and Illinois Telephone: (563) 326-0006 Facsimile: (563) 326-6204 E-Mail: hjdane@hjdane.com

June 2, 2016

Gibraltar 400 Skokie Blvd., #375 Northbrook, IL 60062

Re:

Russell and Kathy Schickling d/b/a Sneaky Peters Steak House 203 N. Cody Road, LeClaire, IA

Dear Sirs/Madam:

The undersigned attorney represents Russ and Kathy Schickling who are operating Sneaky Pete's Steak House. The business has a credit card processing system which apparently is generating payments to your company. I have enclosed a copy of the Notice of Bankruptcy.

Please immediately cease and desist from collecting debts in violation of the automatic stay imposed by the U.S. Bankruptcy Court of the Southern District of Iowa.

Very truly yours,

H. J. Dane

HJD/psh Enclosure Cc: Clients

EXHIBIT G